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\*ADMITTED IN VA ONLY

March 30, 1994

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MAR 30 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: WPCB, Greensburg, PA

Dear Mr. Caton:

Transmitted herewith, on behalf of Cornerstone Television, Inc., licensee of Television Station WPCB(TV), Greensburg, Pennsylvania, are an original and four (4) copies of its Petition for Rulemaking to include Greensburg, Pennsylvania in the Pittsburgh, Pennsylvania television market.

Should further information be desired in connection with this matter, please communicate with this office.

Very truly yours,



Robert L. Olender  
Counsel for  
**CORNERSTONE TELEVISION, INC.**

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

# PETITION FOR RULEMAKING

Cornerstone Television, Inc. ("Cornerstone"), licensee of Television Station WPCB, Greensburg, Pennsylvania, by its counsel, hereby submits its Petition for Rulemaking to include Greensburg, Pennsylvania, in the Pittsburgh, Pennsylvania Television Market pursuant to Commission Rule 76.51 (47 C.F.R. § 76.51).

## DISCUSSION

The Commission has enunciated its position that stations meeting certain criteria would be eligible to change the designation of a television market. In its Cable Television Report and Order, 36 FCC 2d 143, 176 (1972) the Commission acknowledged the need to equalize the competitive status where stations are in economic competition. WPCB is in urgent need of economic parity with the other Pittsburgh Television stations.

If Greensburg is made a part of this market, cable systems in the vicinity of Pittsburgh will have an opportunity to carry WPCB without concern for adverse financial implications because of copyright obligations. Moreover, WPCB is in

competition with other market stations for cable channel space and is in need of the same historic and prospective consideration that the Commission has and will extend to stations in similar positions.<sup>1</sup>

In evaluating requests for hyphenation of a market, the Commission has considered some or all of the following factors as relevant to its examination:<sup>2</sup>

1. The distance between the proposed community and the existing designated communities.
2. Whether cable carriage, if afforded to the subject station, would extend to areas beyond its Grade B signal coverage area.
3. The presence of a clear showing of a particularized need by the station requesting the change of market designation.
4. An indication of benefit to the public from the proposed change.

In addition, the Commission in its Report and Order released March 29, 1993 (MM Docket No. 92-259) indicated that it expects to receive evidence that demonstrates commonality between the proposed community to be added to a market designation and the market as a whole. A review of the following significant facts show that there is ample commonality between Greensburg and the Pittsburgh market:

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<sup>1</sup>See request by TV 14, Inc. to include Rome, Georgia in the Atlanta, Georgia Television Market (RM-8016).

<sup>2</sup>See Major Television Markets (Fresno-Visalia, California) 57 RR 2d 1122 (1985).

1. Greensburg is in the Pittsburgh ADI.
2. Greensburg is in Westmoreland County, which is not only one of the 21 counties in the ADI, but even more important is the fact that Westmoreland County is one of the counties that make up the Metro Survey Area according to Arbitron.
3. The Pittsburgh television stations have significantly viewed status in Westmoreland County.
4. Greensburg is included in the Pittsburgh Metropolitan Statistical Area ("MSA") by the Office of Management and Budget.
5. There are also common cultural, social and economic interests between the residents in these areas.

Thus, there is clearly commonality between Greensburg and Pittsburgh to warrant the expansion of this hyphenated market to include Greensburg.

The Commission has defined a hyphenated television market as one characterized by more than one major population center supporting all stations in the market but with competing stations licensed to different cities within the market area. As is evident herein, WPCB is a part of the Pittsburgh market, and is competing with stations licensed to these cities. WPCB has always been at a competitive disadvantage because it is the only Pittsburgh market station which is not local for copyright purposes to the west and north of Pittsburgh.

Affixed hereto, as Attachment A, is a contour map in which it can be determined that the distance between Greensburg to Pittsburgh is approximately

25.9 miles, computed by coordinate to coordinate.<sup>3</sup> It should be further noted that WPCB's tower is located only 12 miles from Pittsburgh and thus in reality, it cannot be considered a distant signal. Perhaps of equal, if not greater significance, is the fact that WPCB puts a city grade signal over Pittsburgh, which exceeds the Grade A signal the Commission considers as determinative. This entitled WPCB to identify itself as a Greensburg-Pittsburgh station.<sup>4</sup> Moreover, the Grade B signals of all of the Pittsburgh stations completely encompass both Greensburg and Pittsburgh.

Cornerstone has a particularized need for requesting the change of market designation. Because of non-duplication and syndicated exclusivity, Cornerstone can't buy programs for just Greensburg, because it places a city grade signal over Pittsburgh. Therefore, syndicators will only sell Cornerstone programs that haven't been bought in Pittsburgh and, if they do, they will charge Pittsburgh prices. Consequently, since Cornerstone can't buy programs based on a small market pricing, the only way that WPCB can compete is to be placed in the same parity as the Pittsburgh stations.

Furthermore, Cornerstone cannot pay Pittsburgh prices for programs and also be required to pay distant signal copyright fees. If WPCB is considered a

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<sup>3</sup>Also, as a point of comparison, in the Rome, Georgia case approved by the Commission, (infra, footnote 1) the distance between Rome to Atlanta was 58 miles, greater than the present proposal. In addition in renaming the Columbus, Ohio, market to include Chillicothe, the distance between Chillicothe and Columbus was 50 miles. See, Report and Order, infra, para. 50.

<sup>4</sup>See attached letter from FCC Dated October 4, 1978.

distant signal under the new must-carry laws<sup>5</sup>, the cable systems will not be obligated to carry WPCB unless Cornerstone indemnifies the cable system for the added copyright fees. The fees that Cornerstone has been requested to pay are as high as \$5,000 per month. The inability to pay these high fees will result in a loss of 50,000 cable home if the market is not hyphenated.

Moreover, in response to the Commission's inquiry, WPCB would only receive expanded cable rights beyond its Grade B contour for only a few additional systems.<sup>6</sup> Cable carriage will mainly be affected inside WPCB's Grade B contour.

With regard to the Commission's last criteria, which is the public interest consideration, the proposed change will benefit the public since it will enable WPCB to insure continued viability. If WPCB is not permitted to effectively compete in the Pittsburgh market place, it will not survive. WPCB is the first local commercial independent television service for Greensburg and thus it provides that community with a vehicle of local expression. The Commission can take official notice of the financial circumstances facing a small market UHF television station such as WPCB. That is particularly true where the station is a religious/family station, seeking to provide wholesome programming to its viewers not currently available in the market. If WPCB is shut out by unreasonable copyright

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<sup>5</sup>See, Report and Order, *infra*, par. 114. Also, regardless of the outcome of the pending Supreme Court action on must-carry, WPCB is in need of this market change.

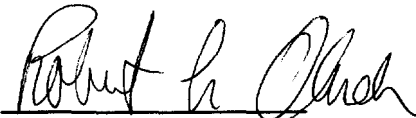
<sup>6</sup>This slight expansion of rights beyond the Grade B contour has been allowed by other stations which have been approved for hyphenated markets. See, Melbourne and Green, Florida MM Docket No. 81-111, 57 FR 61695, 699 (1992)

obligations, then the public will lose out this new service.

**ACCORDINGLY**, it is submitted that Cornerstone has, beyond peradventure, established a clear case in equity and law for inclusion in the Pittsburgh market so that it will become the Pittsburgh-Greensburg market and will serve the public interest by meeting the underlying purposes of the market hyphenation rule to equalize competition among stations in genuine competition.

Respectfully submitted,

**CORNERSTONE TELEVISION, INC.**

By:   
Robert L. Olender  
Its Counsel

**BARAFF, KOERNER, OLENDER  
& HOCHBERG, P.C.  
5335 Wisconsin Avenue, N.W.  
Washington, D.C. 20015**

**(202) 686-3200**

March 30, 1994

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## Pennsylvania—Greensburg-Pittsburgh

### WPCB-TV

Ch. 40

(Operates satellite WKBS-TV, Altoona, PA)

**Network Service:** None, independent.

**Licensee:** Cornerstone Television Inc., Rte. 48, Signal Hill Dr., Wall, PA 15148-1499.

**Studio:** Rte. 48, Signal Hill Dr., Wall, PA 15148-1499.

**Telephone:** 412-824-3930. Fax: 412-824-5442.

**Technical Facilities:** Channel No. 40 (626-632 MHz). Authorized power: 1170-kw max. & 490-kw horizontal visual, 117-kw max. & 49-kw horizontal aural. Antenna: 980-ft. above av. terrain, 839-ft. above ground, 2049-ft. above sea level.

Latitude 40° 23' 30.00"  
Longitude 79° 46' 51.10"

**Transmitter:** Signal Hill Dr., Wall, PA.

**Satellite Earth Stations:** Transmit/receive Vertex, 11-meter C-band; Scientific-Atlanta, 11-meter Ku & C-band; DH Satellite, 5-meter Ku & C-band; Scientific-Atlanta, 5-meter C-band; Agile Omni, Scientific-Atlanta receivers.

**Ownership:** Cornerstone Television Inc. (Group Owner).

**Began Operation:** April 15, 1979.

**Represented (legal):** Gammon & Grange.

#### Personnel:

Oleen Eagle, Executive Vice President & General Manager.  
David Skeba, Vice President & Director of Programming.  
Blake Richert, Vice President & Director of Engineering.  
James Fitzgerald, Director of Development.

**Highest 30 Sec. Rate:** \$55.

**City of License:** Greensburg. ADI: Pittsburgh. Rank: 17.

Total Households: ©MSI Consumer Market Data as of 1/1/93. TV Homes, TV% and Circulation ©1993 Arbitron. County coverage based on Arbitron study.

CORNERSTONE TELEVISION INC.

# WPCB-TV 40

Helping Cable Help People



Net Weekly Circulation	State County	Total Households	TV Households	%
<b>PENNSYLVANIA</b>				
Between 5-24%	Allegheny	537,300	531,200	99
	Armstrong	28,200	27,800	99
	Beaver	71,500	70,700	99
	Clarion	15,000	14,700	98
	Fayette	55,600	54,500	98
	Greene	14,500	14,200	98
	Indiana	31,700	31,100	98
	Somerset	29,500	28,900	98
	Washington	77,900	76,900	99
	Westmoreland	143,700	142,200	99
<b>Station Totals</b>		<b>1,004,900</b>	<b>992,200</b>	<b>99</b>
<b>Net Weekly Circulation (1993)</b>				<b>131,500</b>
<b>Average Daily Circulation (1993)</b>				<b>35,000</b>

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FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

October 4, 1978

IN REPLY REFER TO:  
8820-JAB

Western Pennsylvania Christian  
Broadcasting Company  
Station WPCB-TV  
Signal Hill Drive  
Route 48  
Wall, Pennsylvania 15148

Gentlemen:

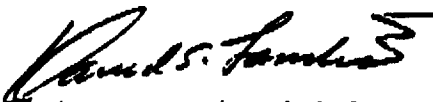
This refers to the request made on your behalf August 22, 1978, that television Broadcast Station WPCB-TV, Channel 40, Greensburg, Pennsylvania, be allowed to identify itself as a Greensburg-Pittsburgh, Pennsylvania station.

Pittsburgh, Pennsylvania is entirely encompassed by the city grade contour of station WPCB-TV. Since your request is to identify station WPCB-TV with a community larger than its community of license, grant of your request will enhance the attractiveness of your station to advertisers by recognizing its actual service contours. Accordingly, your request for dual city identification is granted.

This action does not modify your license, change the station location specified in your license, or change your obligation to your principal community, Greensburg, Pennsylvania.

This action is taken pursuant to authority delegated under Section 0.281 of the Commission's Rules.

Sincerely Yours,



David S. Landis, Chief  
Broadcast Facilities Division  
Broadcast Bureau

cc: Robert W. Healy